

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN PARROTT AND LAURIE PARROTT,)
Derivatively on Behalf of BIOPURE)
CORPORATION,)

Plaintiffs,)

vs.)

THOMAS A. MOORE, CARL W. RAUSCH,)
DAVID N. JUDELSON, CHARLES A.)
SANDERS, M.D., C. EVERETT KOOP, M.D.,)
DANIEL P. HARRINGTON and J. RICHARD)
CROUT, M.D.,)

Defendants,)

-and-)

BIOPURE CORPORATION, a Delaware)
Corporation,)

Nominal Defendant.)

Civil Action No. 1:04-cv-10177-NG

Assigned to: Judge J. Nancy Gertner

Magistrate Judge Alexander

DERIVATIVE ACTION

[Caption continued on next page]

RICH REINISCH, Derivatively on Behalf of
BIOPURE CORPORATION,

Plaintiff,

vs.

THOMAS A. MOORE, CARL W. RAUSCH,
DAVID N. JUDELSON, CHARLES A.
SANDERS, M.D., C. EVERETT KOOP, M.D.,
DANIEL P. HARRINGTON and J. RICHARD
CROUT, M.D.,

Defendants,

-and-

BIOPURE CORPORATION, a Delaware
Corporation,

Nominal Defendant.

Civil Action No. 1:04-cv-10215-NG

Assigned to: Judge J. Nancy Gertner

Magistrate Judge Alexander

DERIVATIVE ACTION

**PLAINTIFFS' JOINT MOTION TO CONSOLIDATE RELATED
ACTIONS, TO APPOINT LEAD COUNSEL AND TO ENTER
PRETRIAL ORDER NO. 1 AND CERTIFICATION OF COUNSEL**

Plaintiffs John Parrott, Laurie Parrott and Rich Reinisch ("Plaintiffs") by counsel and pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, move the Court for an order consolidating the following related derivative cases for all purposes:

<u>Abbreviated Case Name</u>	<u>Civil Action No.</u>	<u>Date Filed</u>
<i>John Parrott and Laurie Parrott v. Thomas A. Moore, et al.</i>	1:04-cv-10177-NG	1/26/04
<i>Rich Reinisch v. Thomas A. Moore, et al.</i>	1:04-cv-10215-NG	1/29/04

The Plaintiffs each brought their shareholder derivative actions on behalf of Biopure

Corporation ("Biopure") to remedy breaches of fiduciary duties by defendants.

This Motion is brought on the grounds that these actions are substantially identical and consolidation of these cases will promote judicial efficiency. The related actions allege claims for breach of fiduciary duties, abuse of control, gross mismanagement, waste of corporate assets, and unjust enrichment. These actions involve substantially the same facts and the same questions of law.

Plaintiffs, by counsel, also move the Court for an Order appointing Robbins Umeda & Fink, LLP and Barrett, Johnston & Parsley as Co-Lead Counsel in the above-captioned actions.

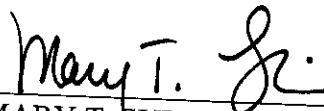
This Motion is based upon the accompanying Memorandum of Points and Authorities, the Declaration of Mary T. Sullivan and the complete files and records in these actions and such oral argument as the Court may consider in deciding this Motion.

CERTIFICATION OF COUNSEL

Prior to the filing of this motion, Plaintiffs' counsel conferred with counsel for defendants concerning both this motion and an extension of time for defendants to respond to the complaints in each of the above-styled actions. Plaintiffs consented to giving defendants an extension of time to respond to the complaints until April 15, 2004. Due to the procedural status of these derivative actions and the securities class actions also pending in this Court, defendants were unable to formulate a response to the instant motion at this time. However, Plaintiffs are filing this motion at this time because they believe the Court would require an independent review of the qualifications of the proposed lead counsel irrespective of whether defendants ultimately consent or stipulate to this Motion.

Dated: March 8, 2004.

Respectfully submitted,



MARY T. SULLIVAN, BBO #487130
SEGAL ROITMAN & COLEMAN
11 Beacon Street, Suite 500

Boston, MA 02108
Telephone: 617/742-0208
Facsimile: 617/742-2187

GEORGE E. BARRETT,
DOUGLAS S. JOHNSTON, JR.
TIMOTHY L. MILES
BARRETT, JOHNSTON & PARSLEY
217 Second Avenue, North
Nashville, TN 37201
Telephone: 615/244-2202
Facsimile: 615/252-3798

BRIAN J. ROBBINS
JEFFREY FINK
ROBBINS UMEDA & FINK, LLP
1010 Second Avenue, Suite 2360
San Diego, CA 92101
Telephone: 619/525-3990
Facsimile: 619/525-3991

JAMES G. STRANCH
BRANSTETTER, KILGORE, STRANCH
& JENNINGS
227 Second Avenue North
Nashville, TN 37201
Telephone: 615/254-8801
Facsimile: 615/255-5419

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing PLAINTIFFS' JOINT MOTION TO CONSOLIDATE RELATED ACTIONS, TO APPOINT LEAD COUNSEL AND TO ENTER PRETRIAL ORDER NO. 1 AND CERTIFICATION OF COUNSEL has been served on the following via U.S. First-Class mail, postage-prepaid, on this the 8th day of March, 2004:

ROBERT A. BUHLMAN, BBO #554393
EUNICE E. LEE, BBO #639856
BINGHAM McCUTCHEN LLP
150 Federal Street
Boston, MA 02110
Telephone: 617/951-8000

Counsel for Defendants



MARY SULLIVAN